

Mark Garnes
P.O. Box 160363
Brooklyn, New York
11216

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ MAY 12 2014 ★

BROOKLYN OFFICE

May 2nd, 2014

Clerk of the Court
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn , New York 11201

RE: Mark Garnes v. United States 88-CR-496(ERK)9S-14)

Dear Sir/Madam:

I, the above noted submit the enclosed Motion for Termination of Supervised Release to be filed accordingly.

Thanking you in advance for the matter here before your office.

Sincerely,



Mark Garnes

cc:

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

X

Mark Garnes, : BROOKLYN OFFICE
Petitioner, :

v. : 88-CR-496(ERK)(S-14)

United States of America, :
Respondent. :

X

**MOTION FOR TERMINATION OF
SUPERVISED RELEASE**

NOW COMES, Mark Garnes, Petitioner, pro se pursuant to 18 U.S.C. § 3583(e)(1), respectfully requesting the Honorable Court grant early termination of supervised release. In that Petitioner's conduct and the interest of justice posits termination may be warranted by the Honorable Court.

Reasoning with the provisions relevant to Terms and Conditions thereof "supervised release," as delineated therein the Presentence Report as well the Judgment and Commitment, Petitioner's compliance has been and continues to be exemplary.

MEMORANDUM OF POINTS AND AUTHORITIES
INTRODUCTION

On January 4, 1991, defendant was sentenced to 352 months to be followed by 5 years of supervised release for his conviction for violating of 21 U.S.C. Sections 846, 841(a), and 18 U.S.C. Section 924(c), conspiracy to narcotics trafficking, narcotics distribution, and firearms. Petitioner was re-sentenced on October 1, 2009 to "time served," hereto, Petitioner has completed nearly 55 months of the supervised release period, which would expire on October 1, 2014. Based on Petitioner's performance on supervised release, here now, Petitioner respectfully request for an order terminating supervised release.

ARGUMENT

Under 18 U.S.C. Section 3583(e), the Court has the authority to grant early termination of a previously imposed term of supervised release. Section 3583(e)(1) provides:

(e) Modification of conditions or revocation. The court may, after considering the factors set forth in Section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)

(1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.

18 U.S.C. § 3583(e)(1); see also Fed. R. Crim. Procedure 32.1(c)(1), (2)(B) & (C) (providing for

hearings for modifications of supervised release, unless the result is favorable to the person supervised and the government does not object after notice).

Petitioner has performed well on supervised release, no new contact with law enforcement, remained gainfully employed, and obtained his Apprentice Barber's License. Moreover, upon being hired at ABM Industries, Petitioner's current employment was as a temp(June 27, 2011), Petitioner proved himself accordingly and was hired permanent. In addition, Petitioner attended barber school, graduated and procured his Barber's License. Reasoning with these factors, Petitioner has made great strides toward improving himself and making a better life for himself and his family. Petitioner has been in compliance with all the terms and conditions of supervision.

Petitioner also recognizes the value of hard work, and is proud to have obtained his barber's license and to be working full time. Not only is the employment important to provide valuable income, Petitioner enjoys his work and takes great pride in what he is doing on a daily basis, which gives Petitioner a sense of purpose that will keep him on track. In sum, Petitioner realizes that there is a better life, a crime free life, which Petitioner can and will continue to live.

Petitioner's exemplary performance on supervised release warrants a small reduction of the term of supervised release. Accordingly, Petitioner respectfully request the Honorable Court grant termination of supervised release under Title 18, Section 3583(e)(1).

CONCLUSION

WHEREFORE, Petitioner respectfully request the Honorable Court grant early termination of supervised release based upon the aforementioned.

Respectfully Submitted,



Mark A. Gernes-Pro Se

Dated: May 2nd, 2014

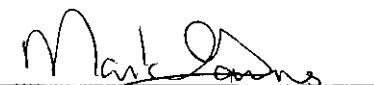
CERTIFICATE OF SERVICE

I, Mark Garnes, hereby certify that a true and correct copy of the foregoing Motion to Terminate Supervised Release was served, via U.S. Mail, to the following parties on this 2nd day of May, 2014.

Clerk of the Court
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn , New York 11201

United States Attorney's Office
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Brooklyn, New York 11201

Richard S. Koury, U.S.P.O.
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DATED: May 2nd, 2014